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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

JAMES T. HARGROVE,

Defendant and Appellant.

B210957

(Los Angeles County
Super. Ct. No. NA076692)

APPEAL from a judgment of the Superior Court of Los Angeles County,
Richard R. Romero, Judge. Affirmed.

James Koester, under appointment by the Court of Appeal, for Defendant and
Appellant.

Edmund G. Brown, Jr., Attorney General, Pamela C. Hamanaka, Assistant
Attorney General, James William Bilderback II and Scott A. Taryle, Deputy Attorneys
General, for Plaintiff and Respondent.

Appellant James Hargrove appeals from the judgment entered following his conviction by jury of first degree residential burglary (Pen. Code, § 459). The court sentenced appellant to prison for four years. We affirm the judgment.

FACTUAL SUMMARY

Viewed in accordance with the usual rules on appeal (*People v. Ochoa* (1993) 6 Cal.4th 1199, 1206), the evidence, the sufficiency of which is undisputed, established that on December 6, 2007, appellant burglarized a Long Beach residence. Following appellant's arrest, he made incriminating statements to Long Beach Police Detectives Jose Yarruhs and Jennifer Valenzuela.

CONTENTION

Appellant requests this court to review independently the sealed transcript pertaining to his *Pitchess*¹ motion.

DISCUSSION

The Trial Court Fulfilled Its Responsibilities Under Pitchess.

Appellant asks this court to review the sealed transcript of the in camera hearing on appellant's *Pitchess* motion to determine whether the trial court properly ordered disclosure of all relevant documents. As discussed below, we conclude the trial court fulfilled its responsibilities.

a. Pertinent Facts.

On April 3, 2008, appellant filed a pretrial discovery motion pursuant to *Pitchess*, *supra*, 11 Cal.3d 531, seeking from the Long Beach Police Department, inter alia, information in the personnel files of Yarruhs and Valenzuela pertaining to alleged acts of planting evidence, dishonesty, false arrest, and fabrication of statements or charges. According to the supporting police report, Yarruhs and Valenzuela interviewed appellant following his arrest. Appellant gave them conflicting accounts of what happened until he ultimately admitted acting as a lookout during the present burglary. The motion indicated

¹ *Pitchess v. Superior Court* (1974) 11 Cal.3d 531 (*Pitchess*).

the hearing thereon was scheduled for May 2, 2008. On April 25, 2008, the City of Long Beach (City) filed an opposition.

On May 2, 2008, the court called the case for a “*Pitchess* matter.” Both parties and the City were present and represented by counsel. The court ruled it would conduct an in camera hearing on May 8, 2008, to determine if there were any complaints against Yarruhs or Valenzuela regarding false statements, false reports, or false testimony.

The reporter’s transcript of the proceedings held in open court on May 8, 2008, reflects that the parties and the City were present in court and represented by counsel. A minute order printed May 9, 2008, and pertaining to May 8, 2008 proceedings, reflects that the case was called for an in camera hearing. The reporter’s transcript of the proceedings held in open court on May 8, 2008, reflects that a separate sealed transcript of “the in-camera hearing” was prepared and lodged with the clerk of the trial court.

The reporter’s transcript of the proceedings held in open court on May 8, 2008 then reflects as follows: “The Court: . . . [¶] The court conducted an in-camera, and there are no items to be disclosed. We’ll advise defense counsel, . . . at the next court appearance.” Said transcript also reflects that the court then recessed and, after the recess, the following occurred: “The Court: James Hargrove, . . . is present with [defense counsel]. [¶] The court earlier conducted an in-camera, and there were no items to be disclosed pursuant to *Pitchess*.”²

² Pursuant to this court’s order filed on November 25, 2009, the record on appeal was augmented on December 18, 2009, to include reporter’s transcripts of the May 2 and May 8, 2008 proceedings. The May 2, 2008 reporter’s transcript, and that portion of the May 8, 2008 reporter’s transcript which does not transcribe the proceedings conducted during the in camera hearing of May 8, 2008, pertain to proceedings conducted in open court; therefore, said transcripts are unsealed. That portion of the May 8, 2008 reporter’s transcript which transcribes proceedings conducted during the in camera hearing is sealed. Respondent asserts that a November 17, 2008 order of this court indicates this court received a sealed transcript, however, the order reflects the sealed transcript at issue in that order was a probation report.

b. *Analysis.*

Trial courts are granted wide discretion when ruling on motions to discover police officer personnel records. (*People v. Samayoa* (1997) 15 Cal.4th 795, 827; *People v. Memro* (1995) 11 Cal.4th 786, 832.) We have reviewed the contents of the sealed transcript of the May 8, 2008 in camera hearing. The transcript constitutes an adequate record of the trial court's review of any document(s) provided to the trial court during the in camera hearing, and said transcript fails to demonstrate that the trial court abused its discretion by ruling there were no items to be disclosed from the personnel files of Yarruhs and Valenzuela. (*People v. Samayoa, supra*, 15 Cal.4th at p. 827; see *People v. Mooc* (2001) 26 Cal.4th 1216, 1228-1230, 1232.)

DISPOSITION

The judgment is affirmed.

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KITCHING, J.

We concur:

KLEIN, P. J.

ALDRICH, J.